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15 Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

19 DAVID BELL and GARY ERLINGER, ) CASE NO. C 05 2971 CW  
20 Individually and on Behalf of All Others )  
21 Similarly Situated, )  
22 Plaintiffs, )  
23 v. )  
24 DAIMLERCHRYSLER CORP., )  
25 Defendant. )

## **STIPULATION AND CONSENT ORDER**

**CASE NO. C 05 2971 CW**

1           **IT IS HEREBY STIPULATED AND AGREED** by and between the above referenced  
2 parties through their undersigned attorneys as follows:

3           1. Defendant's Motion to Dismiss the Amended Complaint is hereby withdrawn  
4 without prejudice to re-file.

5           2. The Case Management Conference presently scheduled for May 19, 2006 is hereby  
6 continued to a date which shall be selected by the Court.

## **ATTESTATION OF TIMOTHY J. BURKE**

I, Timothy J. Burke, hereby attest that the contents of this document are acceptable to all persons required to sign it. I further attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

Timothy J. Burke  
STULL, STULL & BRODY

15 || Dated: May 12, 2006

By: \_\_\_\_\_ / s /

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## **Attorneys for Plaintiffs**

James P. Fogelman  
GIBSON, DUNN & CRUTCHER LLP

Dated: May 12, 2006

By: \_\_\_\_\_ / s /  
James P. Fogelman  
333 South Grand Avenue  
Los Angeles, CA 99071  
Tel: (213) 229-7000  
Fax: (213) 229-7520

## Attorneys for Defendant

**SO ORDERED. CASE MANAGEMENT CONFERENCE IS CONTINUED TO  
9/22/06 AT 1:30 P.M.**

Dated: 5/15/06

Claudia Wilken

## Honorable Claudia Wilken

## **PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )ss.:

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and  
not a party to the within action; my business address is 10940 Wilshire Boulevard, Suite 2300, Los  
Angeles, CA 90024.

On May 12, 2006, I served the document(s) described as **STIPULATION AND CONSENT ORDER** by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

**SEE ATTACHED SERVICE LIST**

9 I served the above document(s) as follows:

10 xx BY FACSIMILE TRANSMISSION. I caused a facsimile machine transmission from  
11 facsimile machine telephone number (310) 209-2087 to the facsimile machine telephone  
12 number(s) listed on the attached Service List. Upon completion of said facsimile machine  
transmission(s), the transmitting machine issued a transmission report(s) showing the  
transmission(s) was/were complete and without error.

13 xx BY MAIL. I am familiar with the firm's practice of collection and processing  
14 correspondence for mailing. Under that practice it would be deposited with U.S. postal  
15 service on that same day with postage thereon fully prepaid at Los Angeles, California in the  
ordinary course of business. I am aware that on motion of the party served, service is  
presumed invalid if postal cancellation date or postage meter date is more than one day after  
date of deposit for mailing in an affidavit.

17 I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

**20** MELANIE JACOBS  
Type or Print Name

/s/ Melanie Jacobs  
Signature

1                   **SERVICE LIST**

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35                   (SERVICE COMPLETED VIA COURT'S  
36                   ECF FILING SYSTEM)

37                   **Attorneys for Defendant**

38                   **STIPULATION AND CONSENT ORDER**

39                   **CASE NO. C 05 2971 CW**